



**The Prosecution Committee,**

In accordance with Article 31 of the Constitution and,  
Pursuant to the decision of the House of Representatives and the House of  
Commons,  
Approves, on behalf of His Majesty the King, the following law and orders its  
promulgation and addition to the laws of the State:

**Land and Water Dispute Settlement Law**

**Law Number 40 of 1952 (1)**

[Applicable in West Bank, not in Gaza]

**Article 1** This law shall be called the “Land and Water Dispute Settlement Law of 1952” and shall be in effect on the date of its promulgation in the Official Gazette.

**Article 2** Definitions

The word “Land” shall mean Miri land, the Waqf (Trust) lands, privately owned lands, the constructions, the trees and any other fixtures thereon.

And the word “Water” shall mean rivers, brooks, streams, ponds, fountains, lakes, springs, wells, waterfalls, dams, reservoirs, canal, ditch, watercourse running or dried, bank, water organization or diversion construction, regulated water pumping, borehole or medium to draw out, uplift or propel

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<sup>1</sup> This law was amended by the attached Israeli Defense Forces Order number 291 of 1968- An Order Concerning Dispute Settlement of Lands and Water Regulation (The West Bank).

water, or any secondary work of any type used to obtain, uplift, transport and use of water for irrigation purposes or preliminary drying.

The term “Land and Water Dispute Settlement” shall mean settling all the issues and disputes related to any right of disposition, title of the land or water, any usufruct of it, or any rights attached to it that is subject to registration.

The word “The Director” shall mean the Director of Lands and Surveys or any person acting on his behalf.

**Article 4**      1. The Dispute Settlement Processes shall be executed under the Director’s supervision and control and shall be undertaken by the persons he commissions.

2. Approving the commencement of the Dispute Settlement Process, specifying the rules and regulations of its process and locating where it starts shall be upon the decision of the Director.

**Article 5**      When the Director decides to start the Dispute Settlement of land and water in a designated area known as “The Dispute Settlement Area,” an order called “The Dispute Settlement Order” shall be published in the Official Gazette, which includes that the Dispute Settlement of lands and water process will commence in the designated area, on a date to be announced later.

**Article 6**      When the Director determines the date as mentioned in the Dispute Settlement Order prescribed in the previous Article, the Director must notify, in a manner he deems appropriate, the residents of the Dispute Settlement Area with an announcement called “The Dispute Settlement Announcement,” and a copy of such announcement shall be posted in a

noticeable place in the village, town or clan and shall include the following information:

1. The name of the village, town, clan or the location in which the settlement of land and water shall commence;
2. The date and place where the processes of settlement shall start;
3. A notification that the processes of Dispute Settlement shall involve all persons holding the disposition rights, title of the land or water or any usufruct rights or any rights attached to it whether such rights are recognized or disputed.
4. a. If a Dispute Settlement was announced on lands of a village that its final borders with the neighboring villages were not yet determined pursuant to the Law of Land Demarcation, Survey and Appraisal of 1953, the Director, or the officer commissioned by him to carry out the Dispute Settlement Processes shall, in cooperation with the Chiefs and a "Chosen Committee" of the concerned neighboring villages, designate and allocate the final borders of the lands of such village from the borders and lands of the neighboring villages, and to regulate a written declaration to be signed by those in charge of determining the borders the borders, which were agreed upon on the ground.  
  
b. If a dispute arises over the determining joint borders between a village for which the Dispute Settlement was Announced and any other neighboring village which was not yet announced as Disputes Settlement area, the Director, or the officer commissioned by him, shall carry out the required investigations mentioned in Articles 5 and 7 of the Law of Land Demarcation, Survey and Appraisal of 1953, and shall determine the final borders. The aggrieved party shall have the right to object to this decision to the Land Dispute Settlements Court within 15 days from the date of its

notification to the parties. The decision of the Dispute Settlement judge of shall be final.

c. The notification shall be carried out by posting an Announcement in a noticeable place in both villages disputing on borders, and such announcement shall include a brief description of the determined borders and the deadline for submitting objections.

- Article 7**
1. All persons claiming that they hold any of the rights mentioned in paragraph 3 of the previous Article must file their claims and their support documents to the Director or to the officer commissioned by him to receive claims at the time and in the place designated for this purpose. These claims shall be publicly investigated according to the rules and regulations, determined by the Director.
  2. The Director shall have the right to issue, once and for several times, instruction concerning the proper methods of drawing borders of the lands and filing relevant claims.
  3. The Director, or the officer commissioned by him, may offer reconciliation to the disputing parties, and when the parties reach an agreement, a reconciliation deed shall be regulated that includes the articles agreed upon and the description of the parcels that the reconciliation examined to be signed by the disputing parties and the witnesses and to be authorized by the Director, or the officer commissioned by him, and to comply with its contents and the contents of any other decision or agreement approved by the parties if not in violation of the applicable laws and regulations.<sup>2</sup>

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<sup>2</sup> Paragraph 3 of this Article was added according to Article 3 of Law number 22 of 1964-The Law Amending the Land and Water Dispute Settlement Law.

- Article 8**
1. If the trees or constructions<sup>3</sup> are not the property of the landowner, the Director or the officer commissioned by him shall have the authority to conduct Dispute Settlement Process between the parties. This process shall be conducted in the manner agreed upon by the parties. In case of disagreement, the Director may order to conduct Dispute Settlement in the manner the Director deems appropriate, in accordance to the provisions of this Law. If compensation was paid to the aggrieved party, which resulted from such Dispute Settlement, the provisions of Paragraph 6, of Article 18 of the Law<sup>4</sup>, shall apply.<sup>5</sup>
  2. The Director may exclude any parcel of land or any water from the Dispute Settlement if the Director believes that the interest requires such exclusion. Any transaction or dispute over such land or water shall always be considered as if no Dispute Settlement has been issued in this respect; therefore, any claims shall be settled by the competent Courts and Registration Departments.
  3. Public Lands falling under the Matruke (abandoned) type of land shall be registered in the name of the Treasury and on behalf of those having usufruct interest in the land.<sup>6</sup> Lands of the Miri and Matruke (abandoned) type of lands that are used for a long period of time for the benefit of the village people, or any of its clans, shall be registered in the name of the Treasury on behalf of such land beneficiaries. If such lands were included within the borders of the municipal or the village councils' areas, it shall then become the property of the previous possessors.

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<sup>3</sup> The term "or constructions" was added to this paragraph according to Paragraph (a) of Article 4 the above-mentioned Law.

<sup>4</sup> Law number 22 of 1964 -The Law Amending the Land and Water Dispute Settlement Law.

<sup>5</sup> This clause was added to this paragraph according to Paragraph (a) Article 4 of the above-mentioned Law.

<sup>6</sup> This paragraph was replaced according to Paragraph (b) of Article 4 of the above-mentioned Law.

4. Any right to land or water not proven by a claimant must be registered in the name of the Treasury.
- 5- If water Dispute Settlement has been conducted, the Director shall assign the water interests that should be recorded in the table of rights compared with the total area of the irrigated lands that are usually irrigated by the water under Dispute Settlement provided that such interests shall be recorded compared to the number of dunums of irrigated lands. If it became apparent that a person holds interests in the water that exceeds his/her needs and such interest were given to the rest of owners, then the beneficiaries from such interests shall pay the owner of those interests an equitable compensation to be assigned by the Director.
- 6- The Director or the officer commissioned by him may undertake subdivision of the water interests registered in the Final Table of Rights, which is considered Registration Table, based on the areas or the rights of the parcels irrigated from one fountain or more if convinced that such fountains' water were registered as common water source in the Table of Rights.

The Water Subdivision Table shall be regulated according to land parcels independent from existing fountains or canals, in a manner to be determined by the Director. Any aggrieved party shall have the right to object to such Table according to the provisions prescribed in the Land and Water Dispute Settlement Law and its amendments.<sup>7</sup>

**Article 9** The Director or the person commissioned by him to execute the Dispute Settlement Processes may undertake the following:

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<sup>7</sup> This paragraph was added according to Paragraph (c) of Article 4 of the previously mentioned Law .

- 1- To draw a new border instead of the old border separating parcels of land or blocks, if these borders were curved or doglegged. The Director may also straighten any border he deems appropriate for improving the works in the land either by swapping it with other equivalent land by value, or by giving the required compensation for the aggrieved party. The Director's decision shall be final.
- 2- To open or plan a new or old road, whether the road was public or private, and to plan any right of easement or passage to connect land with public roads. In addition, the Director may decide the amount of obligatory compensation paid to the aggrieved party. The Director's decision shall be final. The person entitled for compensation may enforce the decision (at the Enforcement Department) after enclosing a certificate from the Land and Survey Director, which spells out that the compensation may not be enforced according to the Table of Rights.<sup>8</sup>
- 3- All private and public roads that are planned during the Dispute Settlement Processes shall be surveyed and drawn on the survey maps. The maps shall be considered the only document consulted in case of any dispute or any trespassing that happens on the road.
- 4- The Council of Ministers, in case of negligence to survey and draw a road on the maps, may decide to cancel the road. Thereupon, the actual area of the land shall be the property of the government if it was located outside the municipal areas and the property of the municipality if it was located within the municipality's borders.
- 5- a. If the road opened during or after the Dispute Settlement Processes leads to one parcel of land, the Director or the officer commissioned by

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<sup>8</sup> This clause was added according to Article 2 of Law number 59 of 1966-The Law Amending the Land and Water Dispute Settlement Law.

him may, if deems appropriate, replace the opening of such road by a passage right. The direction and width shall appear on concerned map.

b. If this right of passage was, for any reason, neglected and its benefit was no longer valid, such right shall be, upon a final decision from the Director, omitted from the map<sup>9</sup>

6- If parcel(s) of village land was/were jointly in disposition of holders of rights, and if this/these parcel(s) were demarcated, during the Dispute Settlement Processes, as subdivided parcels, and if these demarcations been fixed on the maps of the Lands' and Survey Department, and if the Table of Rights was not yet announced; the Director may allow such interests (if their names were recorded in the Table of Claims and if such land was not disputed) to carry out a voluntary subdivision among themselves (if non of them is absent, underage or ward), whether such subdivision concerns one parcel or all of the parcels. In case of dispute, the interests shall then be considered those for which a Table of Rights is regulated in accordance with the provisions of the mentioned law.

7- If the partners did not agree to the willingly subdivision among themselves or if one of them was absent, underage or ward, the Director or the officer commissioned by him may, in case of the acceptance of the majority of interest holders, undertake the subdivision in the manner he deems appropriate.

8- The parcels resulting from the subdivision shall be surveyed and entered into the Table of Claims and into the Table of Rights. When such table is published, it may subject to objections, in accordance with the provisions of Articles 12 and 15 of this law.<sup>10</sup>

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<sup>9</sup> Paragraph 5 of this Article was added according to Article 5 of the previously mentioned law.

<sup>10</sup> Paragraphs 6, 7 and 8 of this Article were added according to Article 2 of Law number 5 of 1967-The Law Amending the Land and Water Dispute Settlement Law.



**Article 10** After finishing the investigation of claims, the commissioned officer shall prepare a list called "Table of Claims," which includes all claims, whether were recognized or disputed. Thereafter, the officer shall submit to the Director reports about each disputed issue investigated by him/her.

**Article 11** 1- After examining the Table of Claims and the reports concerning the disputes, the Director must prepare a table, hereinafter called the "Table of Rights."

2- The Table of Rights shall be organized in the form specified by the Director. After being signed by the Director, copies of this table shall be published in every Registration Department in a noticeable place of the village or town. A certified copy of this Table shall be delivered to the chiefs of villages, and informed to the residents.

**Article 12** Any person, in his capacity as holder of disposition rights of land or water, usufruct or any rights attached to it, whose:

- 1- Name was omitted from the Table;
- 2- Disposition right, title or usufruct was listed incorrectly in the Table;
- 3- Disposition right, title or usufruct mistakenly attributed, partially or totally, to another person;
- 4- Land value or his water interests were incorrectly appraised;
- 5- Disposition right, title or usufruct was harmed in any other form;

shall have the right to appeal, within 30 days from the date of posting the Table of Rights in the District Registration Department, against the Table by filing a written objection to the Director, directly or through the District Registration Officer, in which he presents his reasons for appeal. The Director shall forward the mentioned appeal along with the Table of Rights

to the Land Dispute Settlement Court, and the judge of the Land Dispute Settlement hearing the objection<sup>1</sup>.

Undivided interests recorded in the Table of Rights, shall be entitled to co-litigate the objections filed against the property.

**Article 13**     **1-** The Land and Water Dispute Settlement Court, also known as the Court of Dispute Settlement, shall have the authority to review appeals against the Table of Rights and to render decisions in these, which shall be formed of a single judge appointed in accordance to the provisions of the Law of Formation of Regular Courts. In the case of illness or incapability of the judge, the Minister of Justice shall commission another replacement judge.

The court shall hold its sessions in the concerned village or town at the time designated by the judge of the Court of Dispute Settlement. If it were to be difficult to hold such sessions in the concerned village or town, the court shall hold its sessions in any other place designated by the judge of the Court of Dispute Settlement, upon the approval of the Director.

**2-** Any of the parties who fail to appear before the Court of Dispute Settlement after being notified according to the rules and regulations shall be adjudicated on default being the respondent, and his appeal shall be dismissed if being the appellant. Any person, adjudicated on default or his appeal dismissed shall have the right to object to this decision within 10 days of notification.

**3-** The decisions rendered by the Court of Dispute Settlement shall be final if the claimed value recorded in the Table of Rights does not exceed 200

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<sup>11</sup> This clause was added according to Article 3 of Law number 59 of 1966-The Law Amending the Land and Water Dispute Settlement Law.

Jordanian Dinars.<sup>12</sup> Nevertheless, if the claimed value has not been in the Table of Rights, the Court of Dispute Settlement shall estimate value.

**4-** The decisions of the Court of Dispute Settlement may be appealed to the Appellate Court if the value of the decision exceeds 200 Jordanian Dinars within 15 days of issuing the decision if it was comprehended in the presence of the parties, and of the date of its notification if it was taken on default. The decision taken by the Appellate Court shall be final can be brought before a Court of Cassation if the value of the decision exceeds 200 Jordanian Dianrs within 30 days of issuing the decision if it was comprehended in the presence of the parties, and of the date of its notification if it was taken on default<sup>13</sup>. And in all of the above-mentioned cases, the appellant shall not be allowed to temporarily dismiss the appeal, however, if the appellant insists on this temporary dismissal, it shall be deemed a final dismissed of the appeal.

**5-** Any land or water case filed before any regular court at the beginning of the Dispute Settlement and any other cases filed during the Dispute Settlement in any Dispute Settlement Area, must be forwarded to the Court of Dispute Settlement. The Court of Dispute Settlement is to examine the case if any of the disputing parties objects to the Table of Rights during the legal period.

**6-** At any time, after the publication of the Dispute Settlement Order and until the Dispute Settlement Process has been concluded, the Court of Dispute Settlement shall have the authority to issue an order temporarily giving the possession of land or water included in Dispute Settlement Process or subject of a case, to any party claiming possession of the land or

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<sup>12</sup> This paragraph was amended by Article 2 of Law number 35 of 1955-The Law Amending the Land and Water Dispute Settlement Law.

<sup>13</sup> This paragraph was amended by Article 2 of Law number 23 of 1955-The Law Amending the Land and Water Dispute Settlement Law.

water or to any party filing counter claim and claiming possession of the land and water. The Court shall have the right to change or revoke such decision without complying with the provisions of Magistrate Law, provided that the person requesting dispossession provides the Court with a surety securing compensation against damage caused to the dispossessed party, in case his/her case has been denied.

**7-** The Court of Dispute Settlement shall have the authority to stop any conveyance transaction concerning the land or water in any Dispute Settlement Area.

This decision shall have the effect of a court decision and shall be implemented in the same manner the courts' decisions are implemented. This decision shall remain in effect until the Lands and Water Court of Dispute Settlement gives a final decision in the concerned case.

**8-** At any time, after the publication of the Dispute Settlement Order and until the Dispute Settlement Process has been concluded, the Court of Dispute Settlement shall have the authority to examine preemption and priority cases, provided that it observes the legal periods for filing a case and the restrictions prescribed in paragraphs 2 and 3 of this Article.

**Article 14** **1-** In harmony with the rules of impartiality and justice, the Court of Dispute Settlement shall apply to hearing, pleadings and rendering its decision the provisions of laws concerning lands and water that are in effect in the Hashemite Kingdom of Jordan with the exception of Articles 20, 36, 41, 42, 45, and 78 of the Lands' Law, whether such rights concern the land or usufruct related to rivers, brooks, streams, ponds, fountains, lakes, springs, wells, waterfalls, dams or reservoirs, and whether owned or not.

**2-** Notwithstanding any conflicting provision in the Mejelle, the Civil Procedural Law or any other laws concerning lands and water, the Court of Dispute Settlement shall have the authority to request any verbal or written evidence that might be necessary for rendering a decision concerning the objections in which the parties were not able to present any written evidence regarding their disposition or ownership of the land, and in the objections for which a written evidence emerged that was not issued by the Registration Department.

**3-** Law suits against the Table of Rights among heirs in order to recover a land or right concerning water inherited from the same grandfather shall not be heard after the prescribed period.

This period shall start from date of commencement of disposition without the approval of the rest of the heirs. If the plaintiff was a minor or an incompetent person, the period shall start from the date the minor assumes his legal rights, or the date the incompetent recovers his competency.

**4-** If any right in the Table of Rights prescribed in Article 16 of this law has been acquired by way of deception, the person who had sustained damage shall have the right to claim, before the Court of Dispute Settlement, compensation from the person responsible for deception provided that this case must be filed within 3 years from the date the Table of Rights has been authorized.

**5-** If the Court of Dispute Settlement gave a final decision, based on forged process notices, the Court it may decide a compensation to be paid by the judgment beneficiaries to the holder of right, provided that the pleading against the notices must be filed within one year from the date of the final decision.

**Article 15** 1- If any person holding disposition, title or usufruct right in any area or areas of Dispute Settlement was at the time of commencing the land water Dispute Settlement Process a resident of a neighboring country of the Hashemite Kingdom of Jordan, this person may file his pleading against the Table of Rights to Court of Dispute Settlement according to the provisions of this Law within one year of the issue date of the Settlement Announcement of the posting date of the Table of Rights mentioned in Article 16 of this law in the Registration Department.<sup>14</sup>

However, if the person was resident of a country other than the neighboring countries of the Hashemite Kingdom of Jordan, he/she may file the pleading against the Table of Rights to Court of Dispute Settlement according to the provisions of Law within 3 years of the issue date of the previously-mentioned Dispute Settlement Announcement.

2- Any person, who was at the time of commencing the Settlement Processes underage or incompetent, shall have the right to file his pleading against the Table of Rights to the Court of Dispute Settlement within one year starting the date the underage reaches the legal age or the date the incompetent recovers his competency. Any person who completes 18 years of old according to the Gregorian calendar shall be considered of legal age.<sup>15</sup>

3- Any person, who was not able to file his case against the Table of Rights to the Court of Dispute Settlement according to the provisions of this because he was absent from the Dispute Settlement area as a result of war or for being a member of the armed forces of one of the allied countries, this person shall be granted a grace period to file his case, to be assigned by the Director, provided that it shall not, under any circumstances, exceed 5 years after the end of the war.

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<sup>14</sup> This paragraph was amended according to paragraph (a) of Article 6 of Law number 22 of 1964 -The Law Amending the Land and Water Dispute Settlement Law.

<sup>15</sup> This clause was added according to paragraph (b) of Article 6 of the above-mentioned law.

In all of the aforementioned situations, the Court of Dispute Settlement may, if satisfied of the validity of the case, render a decision rectifying the Table of Rights if the real estate or the water interests were not yet sold or conveyed to another person, but if such real estate or water interests were sold or conveyed to another person, the court then may decide, subject to the provisions of this law, a fair compensation to be paid to the person who sustained damage by the person whose claim to the land or water interests were conveyed in his/her name in the Table of Rights. Furthermore, the court may render a decision of precautionary seizure if the land or water interests are still registered in the name of the person who recorded the real estate or water interests in his name in the Table of Rights.

**Article 16** 1- In case no objection is filed against the Table of Rights, the judge shall approve the Table, and if no final decision was issued for most of the filed objections against the Table of Rights, the judge of the Court of Dispute Settlement may then rectify and approve the Table of Rights, except for any land or water interests that have not acquired final decision subject to the provisions of this law. In addition, the judge must thereafter send to the Director the rectified Table of Rights. This rectified table shall be known as the “Final Table of Rights.”

2- When the Director receives the Final Table of Rights or the Table of Sub-division mentioned in paragraph 4 of Article 1 of this Law<sup>16</sup>, the Director shall prepare a table called “Registration Table” and send it to the Registration Department. The Registration Department Registrar shall thereafter open a new Registry for the concerned village.

The land and water rights shall be registered in this Registry in accordance with the Registration Table based on the Table of Rights and the Table of

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<sup>16</sup> An error was made in referring to the article in question. The reference should be to Paragraph 4 of Article 18 of this law.

Subdivision. The Registrar shall only issue Titles of lands and water after receiving the due fees and expenses of the Dispute Settlement Processes.

After concluding the title conveyance as previously mentioned, no court in the Hashemite Kingdom of Jordan shall have the right to hear any case against the validity of the records of such registry, except for the cases prescribed for in this law.

**3-** In areas where the Dispute Settlement has been concluded, selling, swapping, division or sharing of land or water shall not be valid unless the transaction has been concluded at the Registration Department.

Any party to a transaction processed in violation of this Article, shall be subject to pay a fine not exceeding 5 Dinars after being convicted by the court of law.

**4-** Regulated share-cropping and rent contracts concerning land covered by the Dispute Settlement Process according to the provisions of this Law shall be conveyed at the Registration Departments. Any action concerning a contract regulated in violation of this Article shall not be heard by any Court of Law.

**5-** If the Director is convinced that a mistake occurred in the Final Table of Rights resulting from inadvertence writing, inadvertence surveyerror in survey<sup>17</sup>, or from an error in linking fixing or in linking<sup>18</sup> the borders on the maps during the survey processes, whether the error occurred before or after this Law coming into effect<sup>19</sup>, the Director shall forward this issue to the Court of Dispute Settlement, and if absent, to the Magistrate judge for rendering a final decision.

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<sup>17</sup> The term “inadvertence survey” was replaced with the term “error in survey” according to Article 3 of Law number 5 of 1967-The Law Amending the Land and Water Dispute Settlement Law.

<sup>18</sup> The term “in linking” was replaced by the term “in fixing or in linking” according to Article 2 of Law number 8 of 1955-The Law Amending the Land and Water Dispute Settlement Law .

<sup>19</sup> This clause was added according to the above-mentioned article.



**6-** If the Director is convinced that a mistake occurred in a record of the records of the Immovable Properties' Registry resulted from inadvertence writing or survey, the Director may rectify the mistake without consulting any other committee or person.

**Article 17 1-** In areas where the water Dispute Settlement Process has been concluded pursuant to this Law, the List of Rights shall be used as a base for regulating the Water Registry, without having to carry out the aforesaid Water Settlement Processes.

**2-** For all purposes, owner or owners of parcels of land enjoying water rights pursuant to the Water Registry shall be considered holder or holders of title of the allocated water rights for their parcels. No title of water or of any of its interests shall be conveyed separate from the parcel of land. In addition, water rights shall not be used in any other parcel other than the parcel for which it was allocated. However, any right on water that the government proved in accordance with Article 8 of this law may be recorded in the Water Registry without being allocated for any specific parcel of land.

**3-** The Director may, from time to time, alter the Water Registry:

- a- If satisfied, by appropriate evidence, that a mistake occurred in registration as a result of inadvertence writing or survey;
- b- If the conveyance occurred in a parcel of land having water rights registered at the Registration Department;
- c- If the land is being subdivided, provided that the water right is proportionately divided among interests, and,
- d- If imminent domain on water has been exercised.

**Article 18 1-** if the disposition is of a common parcel or of part of it, in any Settlement Area, this land shall be then subdivided among the persons whose names are

listed in the Final Table of Rights pursuant to the rights shown in such Table.

**2-** The parcel may be subdivided, if two-thirds of the interests mentioned in the Final Table of Rights agree to subdivide the land within the period designated by the Director, or by the person commissioned by him, and after paying the fees mentioned in the Supplemental Table of the Land Registrations Fees Law, which include all survey process and placing of iron-marks.

**3-** If the holders of at least two thirds of the interests included in the Final Table of Rights did not agree on the subdivision way, the subdivision may be executed in a way decided by the Director.

**4-** The parcels of land resulting from the subdivision must be surveyed and a Registration Table for such parcels shall be organized and authorized by the Director in order to replace the Final Table of Rights.

**5-** The Director shall have the authority to issue an order preventing the registration of parcels of land or any undivided interest located within any Dispute Settlement Areas in the name in the name of any person, or persons, if the area of such parcel or interest is smaller than the minimum assigned by the Director, provided that it does not exceed one donum in the agricultural land. The Director shall assume this authority whether it was concerning Dispute Settlement of lands and water indicated in this law or concerning any registration transaction. These parcels or interests that are smaller than the assigned minimum in the law shall be called Natif "Bits". These Bits shall be added to the land or interests of the person who pays the highest price among the persons in disposition of neighboring lands.

If it is possible to add two Bits or more in order to increase the area over the assigned limit in the aforesaid order, the parcel resulting from such addition shall be put for bidding among the holders of the added Bits.

**6-** If only one neighboring person joined the auction and if only one person benefited from the Bits, the price shall then be estimated by three experts, two of which on behalf of the parties and one to be elected by the Director or the officer commissioned by him. In case the designation of such two experts by the parties was not possible, the Director or the officer commissioned by him may then designate the three experts on behalf of them, and the decision of the majority, if authorized by the Director, shall be a final decision

If at that time the payment of compensation decided to the owner of the Bits was not possible, the Director or the officer commissioned by him may then mark as attached the record of the parcel of land to which the Bits were added for the sum of compensation decided to the compensation's right holder, provided that such sum shall be subject to the legal interest after 30 days has elapsed since the prescription of the legal period of posting the competent table of Rights, and such attachment shall have the effect of the Procedural Attachment.

The attachment mark shall be lifted when the value is paid to the compensation's right holder or after depositing such value to his name at the competent Judiciary Accountant. In the second case, the competent lands' officer shall notify the compensation's right holder with what has been done in order to recover such value.<sup>20</sup>

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<sup>20</sup> This paragraph was added according to Article 7 of Law number 22 of 1964-The Law Amending the Land and Water Dispute Settlement Law.

**Article 1821** 1- if the disposition is of a common parcel among the peoples of the village in any Dispute Settlement Area, this land shall be then subdivided among the persons whose names are listed in the Final Table of Rights pursuant to the rights shown in such Table before regulating the Registration Table.

2- The parcel may be subdivided, if two-thirds of the interests mentioned in the Final Table of Rights agree to subdivide the land. Such subdivision shall be carried out within a period to be designated by the Director, or by the person commissioned by him, and after paying the fees mentioned in the Supplemental Table of the Land Registrations Fees Law, which include all survey process and placing of iron-marks.

3- If the holders of at least two thirds of the interests included in the Final Table of Rights did not agree on the subdivision way, the subdivision may be executed in a way decided by the Director.

4- The parcels of land resulting from the subdivision must be surveyed and a Registration Table for such parcels shall be organized and authorized by the Director in order to replace the Final Table of Rights.

5- Starting the date of Announcement of Dispute Settlement provided in Article 6 of this law, the Director shall have the authority to issue an order preventing the listing or registration, in the Dispute Settlement records or tables, of parcels of land or any undivided interest located within any Dispute Settlement Areas in the name in the name of any person, or persons, if the area of such parcel or interest is smaller than the minimum assigned by the Director, provided that it does not exceed one donum in the agricultural land. The Director shall assume this authority whether it was concerning Dispute Settlement of lands and water indicated in this law or concerning any registration transaction. These parcels or interests that are

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<sup>21</sup> The contents of Article 18 of this law were repeal and replaced by the contents of Article 4 of the Provisional Law number 5 of 1967- The Law Amending the Land and Water Dispute Settlement Law.

smaller than the assigned minimum in the law shall be called Natif “Bits“. These Bits shall be added to the land or interests of the person who pays the highest price among the persons in disposition of neighboring lands.

If it is possible to add two Bits or more in order to increase the area over the assigned limit in the aforesaid order, the parcel resulting from such addition shall be put for bidding among the holders of the added Bits.

**6-** If only one neighboring person joined the auction or if only one person benefited from the Bits, the price shall then be estimated by three experts, two of which on behalf of the parties and one to be elected by the Director or the officer commissioned by him. In case the designation of such two experts by the parties was not possible, the Director or the officer commissioned by him may then designate such three experts.

**Article 19** All papers and instruments used in the implementation of this Law are exempted from Stamp Fees.

**Article 20** After a new registry has been opened at the Registration Department in accordance with the Registration Tables that was concluded as a result of the Dispute Settlement Process, any holder of a parcel having no road access on the survey map, may file a petition to the Director requesting opening a road to his land on a private or public road.

**Article 20** After the opening of a new Registry at the Registration Department according to the Registration Tables that were concluded by the result of the Settlement Process, the owner of any parcel of land, which no road was assigned to on the Survey Map, or if the use of the road decided for such parcel was not possible, such owner may then file a petition to the Director

to open a road that connects his land to a public or private road, or to replace such road with a usable road.<sup>22</sup>

**Article 21** The road shall be marked in the manner deemed appropriate by the Director, or by any person he commissions, after paying the petition, the examination and survey fees pursuant to the provisions of Lands' Registration Fees Law. The value of the land used for the road shall be estimated by 3 experts, of which one is to be assigned by the Director and one by each of the parties. If any of the parties refused to assign an expert, the Director shall then assign one from the owners of the neighboring lands, or the experts were not able to reach a unanimous decision concerning the compensation, then the sum of money decided by the majority of the experts shall be considered the amount of compensation. Any of the parties may, within one month of the date he was notified with the experts' decision, object to the Director against the estimated value. The Director's decision shall be final.

**Article 21** a. The road shall be demarcated in a manner the Director or any officer delegated by him deems appropriate after paying the survey and examination fees by the petitioner pursuant to the provisions of the applicable Law of Lands' Registration Fees. If the result of investigation and examination showed that such parcel, to which a road is requested to be opened, had no previous right to passage or that the width of the road intended to be opened exceeds the width of the old road, the value of the land, which is to be allocated for the road, shall then be estimated by three experts, one of which to be assigned by the Director and the other two to be chosen by each one of the parties. If any of the parties refuse to assign an expert, the Director shall then assign such expert from the owners of the neighboring lands, and in case such experts were not able to reach a unanimous decision concerning the compensation, the sum of money that is

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<sup>22</sup> This Article replaced Article 20 of the Original Law according to Article 8 of the above-mentioned law.

decided by the majority of the experts shall then be considered the amount of compensation. Any of the parties may file to the Director, within one month of the date of his notification with the experts' decision, an objection to the estimated value in such manner, and the Director's decision regarding such objection shall be a final decision. In case the compensation is paid for all of the area of the road requested to be opened, such road shall then be registered as independent parcel of land in the name of the person who paid the compensation and shall be described as a private road in the Lands' Registries.

b. The owner of any land that a public or private road breakthrough, except for transportation road that are specific to Ministry of Public Works, may file a petition to the Director for the purpose of changing the direction of such road if its current position is damaging to his interest or prevents the utilization of the land in the proper manner. The Director, after the petitioner pays the examination fees prescribed by the law, may then instruct to carry out the examination, and if he is convinced by the result of such examination that the damage exist, he may then order to assign a new road of the petitioner's land that is less damaging than the first one and provided that the changing of the road does not cause damage to the neighbors or to the public interest, and his decision in this regard shall be considered a final decision.<sup>23</sup>

**Article 22** In the villages where the Dispute Settlement has been concluded, in which water springs, and wells are used by the residents of the village as sewerage having no borders and access road for it drawn on the survey maps, the Director, upon request of a number of the residents he deems appropriate, designate borders and access road to this spring or well provided that the beneficiaries of this spring or well compensate the owner of the land for the

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<sup>23</sup> This Article replaced Article 21 of the Original Law according to Article 8 of the previously mentioned law.

area taken out for this purpose. The compensation shall be decided in the manner prescribed in Article 21 of this Law and it may be collected from the registration fees that are to be paid by the beneficiaries of this spring or well in accordance with the Law of Collecting Emiri Properties in proportion to the land taxes paid by each of them.

**Article 23** In the villages where the Dispute Settlement has been concluded according to the provisions of the Lands' Dispute Settlement Law, every person who recorded his name in the Registration Tables of the villages as owner of trees in a parcel owned by another person may request the subdivision of the parcel. The subdivision shall be conducted subject to the provisions of paragraph 1 of Article 8 of this law.

**Article 24** In areas where Dispute Settlement has been announced or concluded:

- 1- Any owner of a well, cave or grotto located in a parcel in the disposition of another person, may request from the Director to demarcate borders and access road to this well, cave or grotto, provided that the compensation for the taken out parcel must be estimated and paid in accordance with the provisions of Article 21 of this Law.
- 2- Any owner of a parcel for which no (easement right) was assigned may request from the Director to assign this right from the nearest neighboring parcel, provided that the compensation must be paid to the owner of the neighboring parcel for granting the right must be estimated according to the provisions of Article 21 of this Law.
- 3- In spite of the aforesaid in paragraph 2 above, If the Director is convinced that a right of easement was assigned to a land parcel before the announcement of the Dispute Settlement and that such right was inadvertently not fixed on the maps during the Dispute Settlement and Survey Processes, he shall then have the right to order the fixation of



such right and the reopening of the canal as was before without any compensation, and the Director's decision in this regard shall be a final decision.<sup>24</sup>

**Article 25** Any fees or expenses concerning the Dispute Settlement of lands and water may be collected in accordance with the Law of Collecting Emiri Properties.

**Article 26** The provisions of Articles 11, 12, 13, 14 and 15 of the Law of Land Demarcation, Survey and Appraisal of 1951 number 42 of 1953<sup>25</sup> shall be applied to all of the actions carried out in accordance to this law.

**Article 27** The Council of Ministers, upon the approval of his Majesty the King, may issue regulations regarding the following matters:

- 1- Fees that must be collected from filing cases before the Court of Dispute Settlement of Land and Water.
- 2- Fees that must be collected for conveyance of rights recorded in Registration Table, in the Registries.
- 3- Procedures taken at the Registration Departments concerning transactions related to lands and water that concluded the Dispute Settlement Process.
- 4- Lands allocated for public use like threshing floors, pasture and their alike.
- 5- Methods that must carried out in conveyance of lands or water in any Dispute Settlement Area starting from the publication date of the

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<sup>24</sup> This Paragraph was added according to Article 3 of Law number 8 of 1955-The Law Amending the Land and Water Dispute Settlement Law.

<sup>25</sup> The term "of 1951" was replaced by the term "number 42 of 1953" according to Article 2 of the Land and Water Dispute Settlement Law –Amended- number 75 of 1953.

Settlement Order prescribed in Article 5 of this Law until the date a new registry is opened pursuant to Article 16 of this Law.

**Article 28** The following Laws shall be repealed:

- 1- The Law of Lands' Dispute Settlement number (9) of 1937.
- 2- The Addendum to the Law of Lands' Dispute Settlement number (34) of 1943.
- 3- The Regulation issued in accordance to Article 12 of the Law of Lands' Dispute Settlement of 1937.
- 4- Lands' Dispute Settlement Regulation number (1) of 1939.
- 5- Lands' Dispute Settlement Regulation number (1) of 1943.
- 6- Lands' Registration Regulation number (1) of 1940.
- 7- The Palestinian Laws and Regulations of Titles of Lands and its Registration.
- 8- Article 1 to 15 of Water Dispute Settlement Law number (38) of 1946.
- 9- The Water Dispute Settlement Regulation number (1) of 1946.
- 10- Any other Palestinian or Jordanian legislation issued before this law to the extent the legislations are in violation of the provisions of this Law.

**Article 29** The Prime Minister, Minister of Justice and the Minister of Finance are responsible for enforcing the provisions of this law.

**26-5-1952**